

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-CR-00277-RJC-DCK

USA

v.

RANDOLPH HARRIS AUSTIN

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ORDER

THIS MATTER is before the Court on the defendant's pro se motion for a new trial pursuant to Federal Rule of Evidence 33(b)(1) and (b)(2). (Doc. No. 66).

Although the defendant exercised his right to represent himself at trial, (Minute Order, Feb. 6, 2017), he requested the appointment of counsel after he was convicted, (Doc. Nos. 45, 48: Motion; Doc. No. 51: Order). Local Criminal Rule 47.1(g) requires motions to be filed by counsel unless a defendant has formally waived his right to counsel before a judicial officer.

IT IS, THEREFORE, ORDERED, that the defendant's pro se motion for new trial is **DENIED without prejudice**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, and to the United States Attorney.

Signed: February 22, 2018



Robert J. Conrad, Jr.
United States District Judge

